



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

March 15, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Sandi Hood, Peace United Church of Christ Carolina Caring
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of March 1, 2022. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Budget Revision Number 15. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- A** A. Approval of the Purchase of 1063 15th Street NE in the Amount of \$90,000 from M. Todd Hefner, PIN 3713-15-53-3192. **(Exhibit VIII.A.)**

Staff requests approval of the contract to purchase the property located at 1063 15th Street NE, PIN 3713-15-53-3192, from M. Todd Hefner in the amount of \$90,000. The property is currently occupied by a single-family dwelling. Staff was approached about purchasing the tract. The City owns the three properties immediately to the north of the home. Staff negotiated with the property owner and feels the contract price to be a fair price for the purchase of the property based upon recent sales in the vicinity. The property will be used for future expansion of the City's public services complex. Staff recommends approval of the contract to purchase the property located at 1063 15th Street NE from M. Todd Hefner.
- A1** B. Approval of an Ordinance to Implement a Speed Limit Reduction to 25mph along 11th Street Circle NW and 11th Street Circle Drive NW. **(Exhibit VIII.B.)**

Staff request Council's approval to implement a speed limit reduction to 25mph along 11th Street Circle NW and 11th Street Circle Drive NW. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75 percent of

properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 11th Street Circle NW and 11th Street Circle Drive NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for a speed limit reduction to 25mph. Twenty-Five properties were included in the petition and twenty-two properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to implement a speed limit reduction to 25mph along 11th Street Circle NW and 11th Street Circle Drive NW.

- A** C. Citizens' Advisory Committee Recommendation for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.C.)**

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on March 3, 2022; and is now being recommended for approval for assistance under the City of Hickory's 2021 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency related repairs not to exceed \$10,000.

➤ *Shatterra Bentley – 617 3rd Street SE, Hickory – up to \$10,000.*

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- A1** D. Budget Revision Number 16. **(Exhibit VIII.D.)**

1. *To record \$1,500,000 in grading costs at Trivium Corporate Center to American Fuji Seal as an incentive for their investment.*
2. *To appropriate \$80,594 in Catawba County contributions towards Moss-Marlow Building Co., Inc. for installing footings/foundations for the Burn Building at the CVCC Public Safety Training Center.*
3. *To appropriate \$1,035,696 in the sale of Trivium property to Stonemont; proceeds paid to Corning, Inc. as an economic incentive for their investment.*
4. *To appropriate \$193,826 towards SEPI Construction Engineering and Inspection for Change Order #1 for additional professional services related to the City Walk Project. \$155,061 will come from a federal grant (80%) while the remaining \$38,765 (20% match) will come from existing City Walk funds.*
5. *To appropriate \$9,452 in recreation revenues towards recreational supplies for the Parks and Recreation Sports Tourism department.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A1** 1. Consideration of Rezoning Petition (RZ) 22-02, Rezoning of 47.40 Acres of Property Located on Section House Road between 34th Street Place NE and Sipe Road from R-1 Residential and R-20 Residential to R-2 Residential, PIN 3723-08-89-6240 – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

The Earl Errand Propst Heirs submitted a petition requesting the consideration of rezoning property located on Section House Road between 34th Street Place NE and Sipe Road from Hickory R-1 Residential and Catawba County R-20 Residential to Hickory R-2 Residential. The 47.4-acre property is zoned R-1 Residential by Hickory and R-20 Residential by Catawba County and was recently annexed. Both zoning districts permit residential uses at a density of two dwelling

units per acre. The subject property is currently vacant; however, the owners' intention is to develop the property for the construction of detached single-family residences. While preliminary development plans have not been provided, the theoretical maximum development yield under R-2 Residential zoning could result in +/-189 residential homes. The Hickory Regional Planning Commission conducted a public hearing on February 23, 2022, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4 and March 11, 2022.

A1

2. Consideration of Rezoning Petition (RZ) 22-05 – Rezoning of approximately 13.7 acres of Property located near the Southwest Corner of Cloninger Mill Road and 16th Street NE from R-2 Residential to R-3 Residential, Identified as PINs 3714-12-96-0319 and 3714-12-86-6394 – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Gary Greene submitted a petition requesting the consideration of rezoning property located near the southwest corner of Cloninger Mill Road and 16th Street NE from R-2 Residential to R-3 Residential. The 13.7-acre property is zoned R-2 Residential, which permits detached single-family residential uses at a density of two dwelling units per acre. Should the rezoning petition be approved, the density and use types would change. The requested R-3 Residential would permit attached and detached single-family residential, as well as multifamily. The residential density would also increase to eight units per acre for attached and detached single-family and ten units per acre for multifamily. The rezoning could potentially produce 110 attached and detached single-family units, 137 multifamily units, or a mixture of the two use types. The Hickory Regional Planning Commission conducted a public hearing on February 23, 2022, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4 and March 11, 2022.

A1

3. Consideration of Rezoning Petition (RZ) 22-03, Rezoning of approximately 19.5 Acres of Property Located at 4331 and 4405 North Center Street from R-2 Residential to Planned Development (PD), Identified as PIN 3715-18-30-6570 – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.3.)**

Lat Purser and Associates, Inc., agent for the Horse Barn LLC, submitted a petition requesting the consideration of rezoning property located at 4331 and 4405 North Center Street NE from R-2 Residential to Planned Development (PD). The 19.424-acre property is zoned R-2 Residential, which permits detached single-family residential uses at a density of two dwelling units per acre. The petitioner has requested the property be rezoned to a residential planned development (PD). The planned development plan submitted as part of the petition, depicts a build-out plan for 210 dwelling units. The proposed units consist of apartments and townhomes, which are proposed at a density of approximately ten units per acre. The Hickory Regional Planning Commission conducted a public hearing on February 23, 2022, to consider the petition. During the public hearing, the developer's representative provided the Commission with an overview of the proposed development. Upon closing the public hearing, the Hickory Regional

Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted (6-2) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4 and March 11, 2022.

A

4. Consideration of a Voluntary Contiguous Annexation of 8.86 Acres of Property off Startown Road between Short Road and Robinwood Road, PINs 3721-16-94-9674 and 3711-16-94-6567 – Presentation by Planning Director Brian Frazier **(Exhibit XI.A.4.)**

Startown Holdings, LLC and REC Group, LLC have petitioned for the voluntary contiguous annexation of 8.86 acres of property located off Startown Road between Short Road and Robinwood Road. The subject properties are currently located within Catawba County's jurisdiction and zoned R-20 Residential. The annexation is being requested to gain access to City services. The subject property is currently zoned R-20 Residential by Catawba County and is 8.86 acres in total size. The current county R-20 zoning district permits residential uses at a density of two dwelling units per acre. The subject properties are currently vacant; however, the intention is to develop the properties, along with other property, for the continuation of the Preston Ridge apartments, which totals 168 units, 48 of which are to be located on the subject properties. The current tax value of the property is \$53,200. If annexed with its present value, the property would generate additional tax revenues of \$334. The future planned development will substantially increase the tax value of the properties. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4, 2022.

A1

5. Consideration of Rezoning Petition (RZ) 22-04, Rezoning of 8.86 Acres of Property located off Startown Road between Short Road and Robinwood Road from R-20 Residential to Planned Development (PD), Identified as PINs 3711-16-94-6567 and 3721-16-94-9674 – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.5.)**

Eric Yeargin, agent for the REC Group LLC, submitted a petition requesting the consideration of rezoning property located off Startown Road, between Short Road and Robinwood Road from R-20 Residential to Planned Development (PD). The applicant submitted a petition requesting the properties be rezoned to Planned Development (PD). The master plans, and supplemental documentation, provided as part of the petition depicts the development as being multi-family in nature, with 168 dwelling units, and 36 supporting garages. The units are proposed at a density or approximately eleven units per acre. The Hickory Regional Planning Commission conducted a public hearing on February 23, 2022, to consider the petition. During the public hearing, the developer's representative provided the Commission with an overview of the proposed development. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4 and March 11, 2022.

B. Departmental Reports

A 1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints)

VACANT

At-Large (Mayor Appoints) (Harold Humphrey Resigned 11-4-2021)

VACANT

Mayor Guess Nominated William Derick Wood as At-Large Representative on the
Public Art Commission.

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following
Appointments:

Fred T. Foard

VACANT

Homeschool

VACANT

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Voting Delegate for 2022-2023 League Board of Directors in Advance of the
Annual Business Meeting on April 28, 2022 at the NCLM Annual Business Meeting
during the CityVision Conference.

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business
Nature

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

1. *Approval of Closed Session Minutes of March 1, 2022 - NCGS §143-318.11(a)(1).*
2. *Discussion of a Potential Litigation – NCGS §143-318.11(a)(3).*

XV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

<p>The City of Hickory holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting. Phone Services (hearing impaired) – Call 711 or 1-800-735-2962</p>
